



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: EPR-N

Mr. Will Meeks
Assistant Regional Director
National Wildlife Refuge System
U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

Re: Rocky Mountain Arsenal National Wildlife Refuge Draft Comprehensive Conservation Plan
and Environmental Impact Statement, CEQ 20150128

Dear Mr. Meeks:

The U.S. Environmental Protection Agency Region 8 has reviewed the *Rocky Mountain Arsenal National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement* (EIS) prepared by the U.S. Fish and Wildlife Service (the Service). Our comments are provided for your consideration pursuant to our responsibilities and authorities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

Based on the EPA's procedures for evaluating potential environmental impacts on proposed actions and the adequacy of the information, the EPA is rating the action alternatives EC-2 (Environmental Concerns-Insufficient Information). This letter documents the EPA's concerns and recommendations for the Final EIS. A full description of the EPA's rating system can be found at www.epa.gov/compliance/nepa/comments/ratings.html.

PROJECT BACKGROUND AND DESCRIPTION

In 1942, the U.S. Army purchased almost 20,000 acres from Colorado homesteaders in Adams County to develop a chemical munitions plant, the Rocky Mountain Arsenal (RMA), during World War II. After the war, Shell Oil Company leased buildings at the RMA and produced chemical insecticides until 1982. Chemical weapons production ended in the 1970s and in 1987, the RMA was placed on the EPA's National Priority List (the Superfund) after an investigation of site contamination. Sites listed on the National Priorities List are the Nation's most hazardous sites. The EPA, U.S. Department of Interior, Agency for Toxic Substances and Disease Registry, the State of Colorado, and the U.S. Army signed a Superfund Federal Facilities Agreement (FFA) in 1989, outlining the responsibilities of the signatories for the environmental cleanup. Finally, Congress passed the Rocky Mountain Arsenal National Wildlife Refuge (RMANWR) Act (Refuge Act) in 1992, establishing the RMA as a national wildlife refuge and declaring that once cleanup was complete and certified by the EPA, the Service would assume management responsibility. The refuge was officially established in 2004 with the initial transfer of

almost 5,000 acres from the Army to the Service. At present, the Service manages almost 16,000 acres and the Army retains approximately 1,000 acres for ongoing operation, maintenance and monitoring activities.

The Service is required by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) to update their comprehensive conservation plans (CCPs) every 15 years. The purpose of this Draft CCP/EIS is: (1) to comply with the Improvement Act, (2) to describe the role of the refuge in supporting the mission of the Refuge System to “administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources, and their habitat within the United States for the benefit of present and future generations,” and to provide long-term guidance for management of refuge programs and activities.

The Draft EIS describes and analyzes the environmental impacts of three action alternatives (B, C, and D), as well as the no action alternative (A). Alternative B – Traditional Refuge would provide traditional refuge visitor uses with less access than the other action alternatives. Alternative C – Urban Refuge would increase the visibility of the refuge within the Denver metropolitan area and connect more people with nature. Alternative D – Gateway Refuge would emphasize increasing visibility of the refuge, refuge system and other public lands in the area, and would require more partnerships and volunteers than Alternative C. The Service’s preferred alternative is Alternative C.

EPA CONCERNS

The RMANWR is a major Superfund cleanup site and EPA remains in an oversight role for the implementation and operation and maintenance of the remedies. Following are our more specific concerns about the proposed actions in this Draft CCP/EIS.

Land Use

The Service proposes certain land uses and activities that are currently prohibited by the *Federal Facility Agreement* (EPA 1989), the *Record of Decision for the On-Post Operable Unit* (ROD) (FWENC 1996), and the *Land Use Control Plan* (LUCP) (Navarro 2013), such as hunting deer and doves. Unrestricted public access to certain areas may also be inconsistent with the regulatory documents and agreements. While Chapter 2 describes the current land use restrictions, the Final CCP/EIS should clearly explain that some of the proposed activities and land uses are not specifically allowed under those documents and that any proposed changes that may affect the conditions of the Refuge Act, the FFA, the ROD or the LUCP need to be discussed and coordinated with the EPA, the State, the Army, Shell and Service Refuge Managers through the Superfund process. We also recommend that the Final CCP/EIS describe the specific process that must be used when proposing to change land use restrictions. This process could involve collecting additional representative and defensible data; preparation of a risk assessment; preparation of the appropriate modifications to the FFA, the ROD and the LUCP; and approval by the EPA and the Colorado Department of Public Health and Environment (CDPHE). We suggest that the Service work closely with the EPA Superfund staff (Greg Hargreaves, 303-312-6661) and the CDPHE to determine the appropriate process.

Other land use concerns are:

- Divestiture – If the Service decides to pursue divestiture of any portion of the RMANWR, the Service needs to identify the land use restrictions in the associated land-transfer documents (e.g.,

deed restrictions, conditions of a lease, etc.). Please add this information to the discussion about potential divestiture in the Final CCP/EIS.

- Enhanced access – The EPA believes that certain access restrictions are necessary because the Superfund clean-up was not designed for unrestricted use and because there are remedy structures in place that are necessary to protect human health (e.g., caps and covers over waste left in place and treatment plants/groundwater wells to treat and monitor contaminated groundwater). The EPA recommends that the Final CCP/EIS integrate the requirement for access restrictions at RMANWR into the alternatives and commit to putting locks on the individual monitoring wells to avoid tampering.
- Transmission lines – Each of the alternatives include plans to modify the transmission lines by either burying or relocating them. For public health reasons, the EPA recommends that any infrastructure work conducted at the RMANWR be coordinated closely with the Army to avoid excavation in areas where there is the possibility of encountering contamination within the RMANWR (e.g., around historical sanitary sewer lines that were abandoned in place at the previously excavated lake sediment site in Section 12) or inadvertent disturbance of remedy structures.

Water Resources

The Draft CCP/EIS describes actions that may result in an alteration to the site hydrology such as changing the Texas Crossing that is associated with stormwater runoff from the hazardous waste landfills. The RMANWR land use restrictions prohibit non-remedy alterations that may have an adverse impact on the natural drainage of RMANWR for floodplain management, recharge of groundwater, or operation of Response Action Structures. The Final CCP/EIS should include a stipulation that a hydrologic evaluation be conducted to evaluate the potential for impacting groundwater recharge, flow, monitoring, extraction, or treatment prior to initiation of alterations to the existing site configuration that may impact surface water or groundwater.

Information regarding water quality is inconsistent in the Draft CCP/EIS. On page 99 in Chapter 4 – Affected Environment, the document states “In most cases, incoming streamflows have failed to meet State standards for water quality (Gordon et al. 2005).” Citing the same report in the following chapter, Environmental Consequences, page 134, the document states, “Overall, the quality of water flowing onto the refuge is good.” The subsequent text does state that the increased development around the refuge could adversely affect water quality and that monitoring will be needed in the future. However, according to the most recent listings (2012) by the CDPHE for Clean Water Act 303(d) impaired streams, the segment that First Creek on the refuge is a part of is impaired for selenium. The EPA recommends including this information in the Final EIS and resolving the inconsistency in the water resources sections of chapters 4 and 5.

General

Thank you for taking the time to meet with us on June 22. At that meeting, attended by the Refuge Manager and the Deputy Refuge Manager from the Service and the Remedial Project Manager and lead NEPA reviewer from the EPA, the Service agreed to remove the EPA from the list of cooperating agencies for this NEPA document and acknowledge that EPA Region 8’s NEPA Compliance and Review Program was not involved with the planning for or review of this Draft EIS before it was published. During the meeting, the EPA also recommended moving Appendices A and B into the main

document. This is required by the NEPA implementing regulations regarding the content of an EIS, 40 CFR 1502.10 (h) list of preparers and (i) list of agencies, organizations, and persons to whom copies of the statement are sent.

The Summary section of the Draft CCP/EIS states that the environmental cleanup was concluded in 2012. This statement is incorrect. As acknowledged in Chapter 4, the Superfund cleanup of the soil and structures was completed in 2011, and the cleanup is ongoing with the extraction and treatment of contaminated groundwater within, north, and northwest of the RMANWR. Please correct the Summary.

Thank you for the opportunity to provide comments on the Rocky Mountain National Wildlife Refuge Draft CCP and EIS. If you have any questions or would like to discuss our comments, please contact me at 303-312-6704 or Carol Anderson of my staff at 303-312-6058.

Sincerely,



Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc by email: Bernardo Garza, U.S. Fish and Wildlife Service



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